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PART IIA

GOVERNMENT OF MEGHALAYA ORDERS BY THE GOVERNOR

NOTIFICATIONS

The 19th November, 2008.

No.ERTS(E)24/2008/7.—In exercise of the powers conferred by Section 36 of the Meghalaya Excise Act (Assam Act 1 of 1910 as adapted by Meghalaya) and in partial modification of Government Notification No.ERTS (E)11/98/47 dated 25th April, 2003 the Governor of Meghalaya is hereby pleased to make the following Rules further to amend the Meghalaya Excise Rules, (Assam Rules of 1945 as adapted and amended by Meghalaya), hereinafter referred to as the Principal Rules, namely:-

1. **Short title and Commencement**
 - (1) These rules may be called the Meghalaya Excise (amendment) Rules, 2008.
 - (2) They shall come into force with immediate effect.
2. **Amendment of Rule 210**

In Rule 210 of the Principal Rules, for the existing clauses (a) and (b) the following shall be substituted namely :-

 - (a) Centralised area Rs. 1,500/- per annum.
 - (b) Non- Centralised: Rs. 3,000/- per annum.
3. **Amendment of Rule 243**

In Rule 243 of the Principal Rules, the following shall be substituted, namely:-

The license fee and fee for Rs.1,50,000/- per annum renewal of license for Wholesale of Foreign Liquor & Bonded Warehouse.
4. **Amendment of Rule 244**

In Rules 244 of the Principal Rules for the existing Table-I, the following shall be substituted, namely :-

License Fee and Renewal Fee for :-

 - (i) Retail sale of Foreign liquor = Rs. 50,000/- per annum
“OFF” the premises.
 - (ii) Retail Sale of Foreign Liquor
“ON” the premises :-
 - (a) Bar License for starred = Rs. 40,000/- per annum
Hotels.
 - (b) Bar License for non- starred = Rs.35,000/- per annum
Hotels, Restaurants, Clubs,
Theatres, Cinemas, etc.

- (iii) Canteen license under Canteen = Rs. 20,000/-per annum tenant.
- (iv) Distillery = Rs. 1,10,000/- per annum
5. **Amendment of Rule 245** The Gallonage fees for IMFL is Rs. 50/- per case and Rs. 12/- for Beer per case. The Availability fees for IMFL is Rs. 25/- per case and for Beer Rs. 20 per case.
6. **Amendment of Rule 252** In the Principal Rule, in **Rule 252 :-**
- (i) In sub-rule (I) for the words and figures "Rs. 75,000/-" The word and figure "Rs.1,30,000/-" shall be substituted. (ii) in sub- Rule (2) for the words and figure Rs. 1,00,000/-, the word and figure "Rs.1,30,000/-" shall be substituted.
7. **Amendment of Rule 253 & 254** In **Rule 253 & 254** of the Principal Rules the following shall be substituted, namely :-
Wholesale of Denature Spirit : Rs. 7,500/- per annum
Retail Sale of Denature Spirit : Rs. 2,000/- per annum
8. **Amendment of Rule 256** For **Rule 256** of the Principal Rules, the following shall be substituted, namely ;
"Fees for a licensed sale of Rectified Spirit : The fee for license issued to Chemist and Druggist and other firms or persons for Wholesale of pure rectified spirit for medicinal, industrial or scientific purposes shall be "Rs.1,200/- and for Retail Sale shall be Rs. 700/-".
9. **Amendment of Rule 258** For **Rule 258** of the Principal Rules, the following shall be substituted, namely;
"The Fees for a licensed sale of Medicated Wines by licensed dealer : The holder of a license for the sale of medicated wine and similar preparations mentioned in Order 35 (5) shall pay as an annual fee as Government may from time to time by notification fix subject to minimum of Rs. 1,000/-".
10. **Amendment of Rule 261** For **Rule 261** of the Principal Rules, the following shall be substituted, namely ;
"Fees for a Bhang licensed medicinal purposes : The holder of Licence for the possession of duty paid Bhang and other intoxicating drugs except liquor, for the manufacture of bona fide medicinal preparations there from, and for the possession and sale of bona fide medicinal preparations of Bhang and other intoxicating drugs except liquor to his own patient for bona fide medicinal purposes by a Medical Practitioner, Chemist, Druggist, Kaviraj or Hakim shall pay an annual fee as Government may from time to time by notification fix subject to a maximum of Rs. 1,000/-".
11. **Amendment of Rule 365** In **Rule 365** of the Principal Rules, the following shall be substituted, namely; the fees for registration of a brand and label of an IMFL, beer and renewal thereof shall-
- (i) In clause (a) for the words "**thirty thousand**" and "**fifteen thousand**" the words "**forty five thousand**" shall be substituted.
- (ii) In clause (b) for the words "**fifteen thousand**" and "**seven thousand five hundred**" the words "**twenty two thousand**" shall respectively be substituted.

J. LYNDOH,

Secretary to the Government of Meghalaya,
Excise, Registration, Taxation, & Stamps Department.

The 26th November, 2008.

No.Labour.48/78.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Government of Meghalaya is pleased to make the following Rules regulating to the recruitment and the conditions of Service of persons appointed to the 'Meghalaya Boilers and Factories' Service of Meghalaya.

THE MEGHALAYA BOILERS FACTORIES SERVICE RULES

1. **Short title and Commencement:**—(1) These Rules may be called The Meghalaya Boilers and Factories Service Rules.
(2) They shall come into force from the date of this notification.
2. **Definition:**—In these Rules unless there is anything repugnant in the subject or context :—
 - (a) "Appointing Authority" means (1) The Governor of Meghalaya in respect of Gazetted posts.
 - (2) The Chief Inspector of Boilers and Factories in respect of Non-Gazetted posts.
 - (b) "Commission" means the Meghalaya Public Service Commission.
 - (c) "Committee" means the Committee constituted under Rule 8 of these Rules.
 - (d) "Government" means the Government of Meghalaya.
 - (e) "Governor" means the Governor of Meghalaya.
 - (f) "Member of the Service" means the member of the Meghalaya Boiler and Factories Service.
 - (g) "State" means the state of Meghalaya.
 - (i) "Year" means the Calender Year.
3. **Constitution of the Service:**— The service shall consist of the following persons, namely:—
 - (1) Members of the Assam Boilers Service and the Assam Factories Service who are allocated to the State of Meghalaya in accordance with the provisions of Section 64 (1) of the North Eastern Areas (Re-organization) Act, 1971.
 - (2) Persons appointed to different posts in the service before the commencement of these Rules.
 - (3) Persons appointed to different posts in the service in accordance with the provisions of these rules.
4. **Composition of the service:**— (1) The Service Shall consist of the following grades and posts.

<u>GRADE</u>	<u>POST</u>
(a) Grade - I	Senior Inspector of Boilers and Factories.
(b) Grade - II	Inspector of Boilers and Factories.
(2) Each of the categories of posts in clauses (a) and (b) of Sub-rule (i) shall form an independent cadre. Members of the lower cadre shall have no claim for appointment to any of the higher cadre except in accordance with the provisions made in these Rules.	
5. **Status** - The Status of the Members of the Service holding posts in the Grade I and Grade II shall be group 'A' Gazetted.
6. **Strength of the Service:**— (1) The strength and composition of the Service shall be such as may be determined by the Governor from time to time.
(2) At the commencement of these Rules, the Strength of the Service and posts therein shall be as shown in Schedule-I.

7. **Method of Recruitment:-** (1) Appointment to any post by promotion in the Grade I shall be made from the select list approved under Sub-Rule (4) of Rule 9 from amongst the members of the Service holding the next lower posts;

Provided that no member of the Service shall be eligible for consideration for promotion unless he has rendered not less than 3 (three) years of continuous Service in the lower post on the first day of the year in which the selection is

- (2)(I) The appointment to Grade-II post by direct recruitment shall be made on the result of the examination to be conducted by the commission.
- (II) The proportion of Vacancies to be filled up in any year in accordance with sub- rule (2) shall be 50 percent by promotion and 50 percent by direct recruitment.

8. **Departmental promotion committee -** (I) For the purpose of appointment by promotion under Rule 7 to posts carrying scales of pay the maximum of which is Rs. 11,130.00/- and above, there shall be a Departmental promotion committee consisting of the following members:-

- | | | |
|---------------------------------------------------------------------------------------------------------------------|---|-------------------|
| (I) Chief Secretary | - | Chairman. |
| (II) Principal Secretary/Commissioner and Secretary/Secretary Department of Labour. | - | Member Secretary. |
| (III) Principal Secretary/Commissioner and Secretary/Secretary/ Additional Secretary Personnel and AR. Department . | - | Member. |
| (IV) Principal Secretary/Commissioner and Secretary/ Secretary Finance Department. | - | Member. |
| (V) Chief Inspector of Boilers and Factories. | - | Member. |

- (2) The Committee may invite any other persons to attend its meetings if and when considered necessary.

9. **Procedure for preparing the select lists:-** (1) At the beginning of each year, the Appointing Authority shall refer to the committee, the approximate number of vacancies likely to occur in each grade of the Service during the year. To enable the committee to prepare the lists for promotion to those grade, the Appointing Authority shall furnish the committee with the following documents, namely:-

- (i) A list of the members of the Service drawn up in order of seniority and consisting three times the number of vacancies referred to in sub-rule, (1).

Provided that such restriction shall not apply in respect of post where the total number of eligible persons is less than three times the number of vacancies and in such a case the Committee shall consider all the eligible persons.

- (ii) The character Rolls and Service Records of such persons.
- (iii) Any other document and information as may be considered necessary by the Appointing Authority or required by the Committee.
- (2) The Committee after examining the character Rolls, Service Records and other documents in respect of all such persons, shall prepare a list based on seniority with due regard to merit and suitability. The number of persons to be included in the list shall be according to the actual number of vacancies available at the particular grade. the list shall be forwarded by the Committee to the Appointing Authority.
- (3) The names of persons in the list shall be placed in order of preference for promotion. In every case where a junior member is selected in preference to his Seniors, the Committee shall record in writing the reasons for doing so.
- (4) For the purpose of appointment by promotion under sub-rule (1) of Rule 7, the Appointing Authority shall consider the list prepared by the Committee along with the character Rolls and service Records

and other documents in respect of each person in the list and unless he considers that any change is necessary, approve the list. If the Appointing Authority considers it necessary to make any change in the list received from the Committee, he shall inform the Committee of the changes proposed and after taking into account the comments, if any of the Committee, approve the said list finally with or without modification as may in his opinion be just and proper.

10. **Consultation with the Commission:-** (1) The Appointing Authority shall forward the list prepared under Rule 9 to the Commission along with the character Rolls, Service Records and other relevant documents in respect of each person in the list together with his comments, if any.

(2) The Commission shall consider the lists and documents referred to in sub-rule (1) and such other documents as it may have called for and unless it considers that any change is necessary, approve the list.

(3) If the commission consider it necessary to make any change in the list received from the Appointing Authority it shall inform him of the change (S) proposed and after taking into account the comments if any, of the Appointing Authority, approved the said list finally with or without modifications as may in its opinion be just and proper.

(4) The lists as approved by the Commission either under sub-rule (2) or sub-rule (3) of this Rule shall form the Select list for the purpose of the appointment under sub-rule (1) of Rule 7.

11. **Validity of the Select list (I):-** The select list shall remain in force for a period of one year unless its validity is extended with the approval of the Commission.

Provided that such an extension shall not be for a total period exceeding six months. Provided further that in the event of any great lapse in the conduct or performance of duties on the part of any person in the select list, the Appointing Authority may, if he thinks fit remove the name of such person from the select list in consultation with the committee and the commission. The reason(S) for doing so shall be recorded in writing.

(2) The Committee shall meet once a year to review the select list.

12. **Direct Recruitment:-** (1) Competitive examination for direct recruitment under clause (i) of sub-rule (2) of Rule 7 shall be held in such intervals as the Appointing Authority may, in consultation with the Commission from time to time determine. The date on which and the place in which the examination shall be held, shall be fixed by the commission.

(2) The examination shall be conducted by the Commission in accordance with such syllabus as the Appointing Authority may from time to time make in consultation with the Commission.

(3) Of the number of Vacancies to be filled up on the result of each examination there shall be reservation if favour of candidates belonging to scheduled castes and scheduled Tribes to the extent and subject to the conditions as the Government from time to time prescribe.

(4) On the basis of the results of the Competitive Examination the Commission/Committee shall prepare a list of all successful candidates in order of merit, which shall be determined in accordance with the aggregate marks obtained by such candidate and if two or more candidates obtain equal marks, the Commission/Committee shall arrange them in the order of their relative merit which shall be determine in accordance with the general suitability of the candidates for appointment to the post. The number of persons to be included in the list shall be according to the actual Vacancies likely to occur during the recruitment year plus ten percent of the actual Vacancies or 2 (two) names whichever is more. The list shall be forwarded to the Appointing Authority.

(5) The inclusion of a candidates name in the list confer no right to appointment unless the Appointing Authority is satisfied after such enquiry as may be considered necessary that the candidate is suitable in all respects for appointment to the post and that appoint-ment to any post in the Service is subject to availability of Vacancy.

13. **Condition of eligibility for appearing at the Competitive Examination:-** In order to be eligible to

compete at the examination for direct recruitment, a candidate must satisfy the following condition, namely -

- (1) Nationality - He must be a citizen of India.
- (2) Age - He must have attained the age of 21 (twenty one) years, and must not have exceeded the age of 27 (twenty seven) years on the 1st day of the year in which the advertisement for the post is made.

Provided that in the case of candidates belonging to Scheduled Castes and Schedule Tribes, the upper age limit will be subject to relaxation made by the Government from time to time.

- (3) Educational Qualification - As laid down in the Schedule -II.

14. **Disqualification for appointment to the service :-** (1) No person shall be appointed who, after such medical examination as the Government may prescribe, is not found to be in good mental or bodily health and free from any physical defect or infirmity which may render him unfit in the discharge of his duties.

- (2) No person shall be appointed to the service who had been convicted for any offence involving moral turpitude.
- (3) No person who has more than one spouse living shall be eligible for appointment to the service.

Provided that the Governor may if he is satisfied that there are special grounds for doing so, exempt any person from the operation of this sub-rule.

- (4) No person who attempts to enlist support for his candidature either directly or indirectly by any recommendation either written or oral or by any means, shall be appointed to the Service.

15. **Appointment to the Service:-** (1) Appointment to any post in the Service under Rule 7 shall be made by the Appointing Authority and publication shall be made in the official Gazette of Meghalaya, as applicable in the case of all Gazetted posts.

- (2) (i) Subject to the provisions of sub-rule (3) and (5) of Rule 12, appointment shall be made from time to time in the order in which the names of the candidates appear in the Merit list prepared under sub-rule (4) of Rule 12.

(ii) A person appointed by direct recruitment shall join within 15 days from the date of receipt of the order of appointment, failing which, and unless the Appointing Authority extend the period of joining, which shall not in any case exceed three months, the appointment shall be cancelled.

- (3) Appointment under sub-rule (1) of Rule 7 shall be made in the order in which the names of candidates appear in the select list approved by the commission under sub-rule (4) of Rule 10.

16. **Probation:-** Every person appointed to the Service under Sub-rule (2) of Rule 7 shall be on probation for a period of 2 (two) years.

Provided that the period of probation may for good and sufficient reasons be extended by the Appointing Authority in any individual case by a period not exceeding 2 (two) years.

Provided further that where a person appointed to the post in the Service could not be placed under probation for want of permanent Vacancy, any period which he has rendered in a temporary capacity, may having regard to his performance be counted towards the period of probation.

17. **Departmental Training:-** (1) All Officers who joined the Service prior to the commencement of these Rules but have not undergone the training prescribed from time to time shall undergo successfully such prescribed training (S).

- (2) Such persons referred to in sub-rule (1) of Rule 3 who have not undergone the prescribed training (S) shall be required to successfully undergo such training as the Appointing Authority may prescribe.
- (3) Every persons appointed to the Service after the commencement of these rules shall have to undergo successfully such training as may be prescribed by the Appointing Authority.

18. **Discharge or Reversion:-** (1) Where the Appointing Authority finds that the performance of duty by any

member of the Service, appointed by promotion, is unsatisfactory or where he is found unfit to hold the post at any time during the period of probation, such member shall be liable to be reverted to his next lower post or grade.

- (2) A member of the Service appointed by direct recruitment shall be liable to be discharged if
 - (a) he fails to make sufficient use of the opportunities given during the training or otherwise fails to give satisfactory performance during the period of probation : or
 - (b) he fails to undergo the Departmental Training (Basic Training Course conducted by the Directorate General, Factory Advice Service and Labour Institutes, Government of India, Mumbai) successfully.
 - (c) On any information received relating to his nationality age, health, character and antecedents the Appointing Authority is satisfied that the probationer is ineligible or otherwise unfit for being a member of the Service.

19. **Seniority:-** (I) The interse Seniority of the members of the Service who originally belonged to and Appointed by the Government of Assam before 21 st January, 1972 and who are allocated to the state of Meghalaya in accordance with the provisions of section 64(1) of the North Eastern Areas (Re-organisation) Act, 1971 in the respective cadre shall be as it was in the corresponding cadre under the Gov~rnment of Assam prior to their allocation to the State .of Meghalaya.

- (2) Notwithstanding anything contained in sub-rule(1) the interse Seniority of the member of the Service appointed by the Government of Meghalaya on the recommendation of the Assam Public Service Commission during the period between 2nd April, 1970 and 20th January, 1972 (both days inclusive) vis-a-vis those appointed by the Government of Assam under the same recommendation and allocated to the State of Meghalaya in the respective cadre shall be determined in the order in which their names appeared in the list prepared by the Assam Public Service Commission. Such member shall bejunior to all the members mentioned in sub-rule(I) above in the respective cadre.
- (3) The interse seniority of the members of the Service in any cadre appointed on or after 21st January, 1972, but before the commencement of these rules, shall be in the order in which their names appeared in the respective lists prepared by the Commission or the Select lists approved by the Commission. Such members shall be junior to all the members mentioned in sub-rules (1) and (2) above in the respective cadres.
- (4) The interse seniority of the members of the Service appointed to different cadres after the commencement of these rules shall be in the order in which their names appear in the Merit list prepared in sub-rule (4) of Rule 12 or in the select list approved under statement of Rule 10.

Provided that in any cadre a membet of the Service appointed by promotion/selection shall be senior to a member appointed by direct recruitment. Where such selection fall in the same year.

- (5) If confirmation of any member of the Service is delayed on account of his failure to qualify for such confirmation, he shall lose his seniority *vis-a-vis* such of his juniors in his cadre as may be confirmed earlier than him. His original position shall, however, be restored on his confirmation subsequently.

20. **Confirmation :-** (1) Confirmation of a member of the Service in the cadre appointed by promotion shall be made according to his seniority in that cadre subject to the following conditions :-

- (a) that he has served not less than one year in the post where he is to be confirmed.
 - (b) that the performance of the employee is satisfactory (to be judged on the basis of Annual Confidential Reports and other relevant records)
 - (c) that there is no departmental proceeding/vigilance enguiry against him, and
 - (d) subject to availability of vacancy and that no officer holds a lien on it.
- (2) Confirmation of a probationer shall be made according to his seniority in that cadre subject to the following conditions :-
- (a) that he has completed the period of probation to the satisfaction of the Appointing Authority.

- (b) that he has passed the Departmental Examination completely and successfully undergone the training courses's may be prescribed by the Appointing Authority from time to time.
- (c) that he is considered otherwise fit by the Appointing Authority and
- (d) subject to availability of vacancy.

Provided that where a person is not given opportunity to undergo the prescribed training during the period of probation, his/her confirmation shall not be held up for reasons of not successfully undergoing the said training but such person shall when called upon by the Appointing Authority and opportunity given, successfully undergo the said training.

Provided further that the Appointing Authority may for good and sufficient reasons exempt a member of the service from successfully undergoing the departmental basic Training course and confirm him/her in the respective cadre of the service.

21. **Gradation List:-** An up to date Gradation list as on 1 st January shall be prepared and published annually consisting of the name of all the members of the Service cadre wise and drawn up in the order of seniority and other particulars relating to the date of birth and appointment to the Service and such other details relevant to the service career shall also be indicated against each name.
22. **Increments (I):-** The first increment admissible to a member of the Service shall accrue on completion of one year from the date of his joining the post but subsequent increment shall be allowed only on his completion of the period of probation successfully.
 - (2) Such person referred to in sub-rule (2) of Rule 3 shall be allowed to draw increment becoming due within the period of two years from the date of commencement of these Rules but further increments shall be allowed only on their successful completion of the training courses prescribed.
 - (3) The pay of the member of the Service on his completion of the prescribed departmental training successfully, shall be fixed at such a stage as if he has been allowed his usual annual increments due but he shall not be entitled to any arrear in pay or account of withholding due increments for the period prior to the date of his completion of the prescribed departmental training.
 - (4) The increment admissible to a member of the service promoted from one post to another shall accrue on the expiry of such year as admissible under the Rules.
23. **Power of the Governor to dispense with or relax any Rules :-** The Governor, if satisfied that the incorporation of any of the provisions of these Rules causes undue hardship in any particular case or cases or results in any particular post or posts being left unfilled for want of person (S) possessing the minimum experience as specified by these Rules for promotions to such post (S), may dispense with or relax the requirement of any of these Rules to such extent and subject to such condition as it may consider necessary for dealing with the case in a just and equitable manner, or for meeting the exigencies of public interest.
24. **Interpretation:-** If any question arises relating to the interpretation of these rules, the decision of the Government in the Labour Department with the approval of the personnel and Administrative Reforms Department shall be final.
25. **Repeal and Saving:-** All rules, orders or notifications corresponding to and in force immediately before the commencement of these Rules are hereby repealed.

Provided that all orders made or action taken under the rules, orders or notifications so repealed or any action taken in pursuance thereof shall be deemed to have been validly made or taken under the corresponding provisions of these Rules.

Commissioner & Secretary/Secretary to the
Government of Meghalaya,
Labour Department.

SCHEDULE - I**(RULE - 6)**

Sl. No.	Name of Post	Time Scale Pay	Number of Posts		
			Permanent	Temporary	Total
1.	Senior Inspector of Boilers and Factories	4750-275-10-400-EB 500-13,100	One	-	One
2.	Inspector of Boilers and Factories	6350-225-7700-EB-240 9380-250-11,130	One	-	One

Commissioner & Secretary/Secretary to the
Government of Meghalaya,
Labour Department.

SCHEDULE - II
(RULE - 7 AND RULE - 13))

Sl. No.	Name of Post	METHOD OF RECRUITMENT (with percentage of Vacancies to be filled up in any recruitment years by direct recruitment of promotion).	DIRECT RECRUITMENT				PROMOTION	REMARKS
			Educational Qualification etc. required for direct recruitment	Lower age limit	Upper age limit	Persons eligible for consideration for promotion to posts mentioned in column-2	Qualification experience etc.	
1	2	3	4	5	6	7	8	9
1.	Senior Inspector of Boiler and Factories	By Promotion	-	-	-	Inspector of Boiler & Factories	Must have served for not less than five years in the post mentioned at column 7.	
2.	Inspector of Boiler & Factories	By direct Recruitment	Degree in Mechanical Engineering of a recognised University.	21 years	27 years	-	-	

Commissioner & Secretary/Secretary to the
Government of Meghalaya,
Labour Department.

The 24th November, 2008.

OFFICE MEMORANDUM

No.F(PR)-126/08/1(B/S).

Subject :- Submission of fresh option for the Revised Scale of pay, 1996.

The undersigned is directed to say that the grievances of the Senior Government employees with regard to fixation of pay in relation to that of their juniors which arises out of the application of provision of F. R. 23, has been engaging the attention of the Government for some time past. After careful consideration and in exercise of the powers conferred under Rule 16 of the Meghalaya Services (Revision of Pay) Rules, 1997 the Governor of Meghalaya is pleased to relax the provision under Rule 6(4) of the M.S. (ROP) Rules, 1997 and to allow submission of fresh option to come over to the 1996 Revised Scales of Pay to those Senior Government employees whose pay has been stepped up and date of increment advanced to that of their juniors under the provisions of the Office Memorandum No.FEG.2/2001/18, dated 28th February, 2002.

B. K. DEV VARMA,
Principal Secretary to the Govt. of Meghalaya,
Finance Department.

The 17th November, 2008.

CORRIGENDUM

No.PE-6/08/146.—Regarding elevation levels of UMJAUT Hydro Electric Project (69 MW), please read “952 m” instead of “1300 m” appearing at para 1.2.23 of the Modified MoA signed on 6th November, 2008 with ETA Star Infrastructure Ltd., Mumbai.

Under Secretary to the Govt. of Meghalaya,
Power Department, Shillong.